



# RULE-MAKING ORDER

**CR-103 (June 2004)**  
(Implements RCW 34.05.360)

Agency: Department of Agriculture

☒ Permanent Rule  
☐ Emergency Rule

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.

☐ Later (specify) \_\_\_\_\_

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

**Purpose:** This rule making order adopts an amendment correcting an error of omission in WAC 16-406-015. The department recently adopted rewritten apricot standards (Chapter 16-406 WAC Washington standards for apricots) on May 25, 2005 (WSR #05-12-036). The chapter was rewritten and reformatted so it was easier to understand and use. No requirements were changed. During the rewrite, the following language was inadvertently deleted from Table 1 in WAC 16-406-015: "(2) **Any deformity or injury causing the skin to break** more than 3/8 of an inch in diameter or which seriously affects the apricot's appearance." The purpose of this filing is to permanently add the language that was inadvertently omitted from Table 1. This permanent rule amendment, when it becomes effective, will replace the emergency rule amendment filed by the department on July 27, 2005 (WSR #05-16-034).

**Citation of existing rules affected by this order:**

Repealed: None

Amended: WAC 16-406-015

Suspended: None

**Statutory authority for adoption:** Chapter 15.17 RCW and chapter 34.05 RCW

**Other authority :**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR #05-16-115 on August 3, 2005.

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

phone ( ) \_\_\_\_\_

Address:

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: October 4, 2005

NAME (TYPE OR PRINT)

Valoria H. Loveland

SIGNATURE

TITLE

Director

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

OCT 4 2005

TIME

2:07

PM

05-20.074

AM  
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(COMPLETE REVERSE SIDE)

AMENDATORY SECTION (Amending WSR 05-12-036, filed 5/25/05, effective 6/25/05)

**WAC 16-406-015** What is considered "damage" and "serious damage" to apricots? The following tables explain the differences between "damage" and "serious damage" as applied to apricots:

Table 1  
"Damage" and "Serious Damage" for All Varieties of Apricots except the Riland Variety

Except for the Riland variety, the following are considered <b>damage</b> :	Except for the Riland variety, the following are considered <b>serious damage</b> :
(1) Well-healed growth cracks over 3/8 of an inch in length.	(1) Well-healed growth cracks that are more than 1/2 inch in length.
(2) Punctures over 3/16 of an inch in diameter.	(2) <u>Any deformity or injury causing the skin to break more than 3/8 of an inch in diameter or which seriously affects the apricot's appearance.</u>
(3) Stem pulls over 3/8 of an inch in diameter.	
(4) Smooth shallow limb rubs more than 1/4 of an inch in diameter.	
(5) Russetting affecting more than ten percent of the apricot's surface.	
(6) Bruises exceeding five percent of the apricot's surface.	((2)) (3) Bruises exceeding ten percent of the surface of the apricot.
(7) Hail marks that are:	((2)) (4) Hail marks that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.

Table 2  
"Damage" and "Serious Damage" for the Riland Variety of Apricots

For the Riland variety, the following are considered <b>damage</b> :	For the Riland variety, the following are considered <b>serious damage</b> :
(1) Growth cracks exceeding 3/8 inches in length.	(1) Growth cracks that are not well healed and are more than 1/2 inch in length.
(2) Punctures exceeding 1/4 of an inch in diameter.	
(3) Stem pulls exceeding 1/2 inch in diameter.	
(4) Smooth shallow limb rubs more than 1/4 of an inch in diameter.	

For the Riland variety, the following are considered <b>damage</b> :	For the Riland variety, the following are considered <b>serious damage</b> :
(5) <b>Russetting</b> affecting more than ten percent of the apricot's surface.	
(6) <b>Bruises</b> exceeding five percent of the apricot's surface.	(2) <b>Bruises</b> exceeding ten percent of the surface of the apricot.
(7) <b>Hail marks</b> that are:	(3) <b>Hail marks</b> that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.